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~~MR. MOODY: No further questions.~~

~~THE COURT: Thank you, Mr. Moore. We're going to  
be in recess, gentlemen, for a few minutes.~~

~~(Short recess.)~~

~~THE COURT: All right, be seated.~~

FAYE EUGENIA MOORE,

having been first duly sworn to tell the truth, the whole  
truth, and nothing but the truth, was examined and testified  
as follows:

EXAMINATION

BY MR. PONTON:

Q Please state your name.

A Faye Eugenia Moore.

Q And where do you live?

A I live at Stoneburg, Texas.

Q Are you married?

A Yes.

Q Is your husband Rueben Moore?

A Yes.

Q Were you living at the House of Prayer in Stoneburg,  
Texas in 1982 and 1983?

A Yes.

Q Do you remember when Henry Lucas came to the House

1 of Prayer in 1982?

2 A. Yes, I do.

3 Q. And about when was that? Was that the summer of  
4 that year?

5 A. That was in May of that year.

6 Q. And did Henry Lucas live there until September and  
7 then leave for about a month?

8 A. Yes, he did.

9 Q. And when he was there did he live in a converted  
10 room that you all had in one of those long chicken coops  
11 there?

12 A. Yes, he did.

13 Q. While he was there until he left in September, was  
14 he living there with a girl known as Becky, his common-law  
15 wife?

16 A. He left in August with Becky.

17 Q. Okay. I'm sorry. From the time he arrived there  
18 in May until August, did he live there with Becky?

19 A. Yes.

20 Q. And they held themselves out as husband and wife?

21 A. Yes.

22 Q. Then Henry Lucas returned in October of 1982 and  
23 was promptly arrested. Do you remember when that happened?

24 A. Yes.

25 Q. And he stayed in jail for three or four weeks?

1 A. Yes.

2 Q. In October and November of 1982 or approximately  
3 that time?

4 A. Well, I'm going to say he was arrested about the  
5 17th or 18th.

6 Q. Of October?

7 A. Of October.

8 Q. Do you know when he got out of jail?

9 A. Well, now, I don't remember the day, but when he got  
10 out he come back there.

11 Q. Okay. Did he live there at the House of Prayer from  
12 the time he got out of jail in the fall of '82 until June  
13 4th of '83?

14 A. Yes, he did.

15 Q. While he was living there during that period of  
16 time, what was he doing? How was he employed? What were the  
17 activities he had?

18 A. Well, occasionally he helped Rueben on the roof,  
19 but he did odd jobs around there, like maintenance work, and  
20 he worked on small motors for Rueben and different things,  
21 you know, electrical things, appliances. He worked on them.  
22 He painted some. He would put up stoves or take down whatever  
23 needed to be done.

24 Q. Do you remember Henry making arrangements to buy a  
25 '73 Pontiac automobile in the spring of '83?

1 A. Yes.

2 Q. Do you recall approximately when that was?

3 A. Well, it was before our camp meeting in May. Now,

4 he had it maybe a month or two before then.

5 Q. Do you recall him working on that car to get it

6 running?

7 A. Yes.

8 Q. Did a lot of work on that car, didn't he?

9 A. Yes. He even scraped the old top off of it.

10 Q. Vinyl top?

11 A. Vinyl top and really painted it.

12 Q. Painted it?

13 A. Uh-huh.

14 Q. Then do you recall him making arrangements to get

15 that car licensed and inspected? Do you remember when he got

16 that car inspected?

17 A. I don't remember exactly when it was inspected,

18 but I know when it was licensed.

19 Q. Okay. When was that?

20 A. Now, the date I'm not going to say for sure. I

21 believe it may have been around the 23rd of May. I'm not

22 positive about that.

23 Q. But it was right around the end of May.

24 A. Right around there.

25 Q. And why do you remember that date, Mrs. Moore?

1           A.     Because I went with Rueben when he got the little  
2 sticker for the tag.

3           Q.     The little sticker?

4           A.     Right. They didn't change the license plate. They  
5 only got a sticker for the tag.

6           Q.     And did you and Rueben have to go to the county  
7 clerk's office there at Stoneburg -- excuse me, in Bowie to  
8 get that?

9           A.     Montague.

10          Q.     Montague, okay. Did you?

11          A.     We did.

12          Q.     Okay. And you and Rueben went into the county  
13 clerk's office to get that.

14          A.     Right.

15          Q.     For Henry Lucas?

16          A.     Right.

17          Q.     Do you recall Henry Lucas doing some work on a  
18 roof after you got that license tag for Henry Lucas?

19          A.     I don't know about the roof. Now, they worked on  
20 the roof, and I didn't do any bookkeeping or anything at  
21 that time. And I really don't know, but I do know that he  
22 worked with Rueben, and that he was paid when he did.

23          Q.     Okay. And did you go back and look through your  
24 records or your notes to see if you could find any notation  
25 about paying Henry Lucas any money at the end of May of 1983?

1 A. Can I speak?

2 Q. Yes, okay, in your own words.

3 A. Bill Burnham came, and he sat down and began to  
4 visit with us. And he asked us to search out anything we  
5 could find. Well, I happened to think of some old things in  
6 a folder in the office, and I went and got them.

7 And in it was a shorthand tablet, and while they  
8 were talking I was flipping through the pages, and it says,  
9 "Give Henry \$60." And I believe it was May the 29th.

10 Q. Of 1983?

11 A. 1983.

12 Q. And you still have that tablet?

13 A. I still have it.

14 Q. But you didn't bring it today because we forgot to  
15 ask you to bring it.

16 A. Well, I didn't know or I would have.

17 Q. Right, but if I ask you to make a copy of that page  
18 and send me a copy, you'd be glad to do that, won't you?

19 A. I will.

20 Q. And that notation, what would that indicate to you?

21 A. Well, we had paid Henry \$60 for something, and  
22 ordinarily Rueben gave him \$30 a day for helping. And he  
23 paid no rent, you know, or anything like that, so he just  
24 gave him a certain amount for helping.

25 Q. So if you saw a notation in your steno pad for \$60

1 dated May 29, would that have indicated to you that you were  
2 paying Henry Lucas for two days work that would have happened  
3 right before that date?

4 A. I imagine. Now, why I say I imagine, I didn't do  
5 any paying. But probably Henry was not there, and someone  
6 left the money with me, and I made a note to give it to him.

7 Q. For instance, I want to show you Defendant's  
8 Exhibit 60A, which shows an invoice from F. M. Moore Roofing  
9 Contractor dated May 26, 1983. Your husband, who testified  
10 before you, testified that based upon that invoice and based  
11 upon his memory, he recalls working with Henry Lucas for two  
12 days on the Kaye roofing job on May 26 and May 27, 1983.

13 Based upon Defendant's Exhibit 60A and your  
14 husband's testimony, do you believe that your notation that  
15 Henry Lucas was paid \$60 on May 29 would have been for Henry  
16 Lucas's two days of work on that roofing job?

17 A. I believe it might have been. I cannot state  
18 positive, but since that's what he paid him, I believe it  
19 might have been.

20 Q. You recall the camp meeting in May of 1983?

21 A. Yes.

22 Q. What days did you all hold that camp meeting on?

23 A. We started May the 10th through the 19th.

24 Q. And do you recall Henry Lucas being present there  
25 at the House of Prayer after the end of the camp meeting?

1 A. Yes.

2 Q. Do you recall the time that Henry and Rueben  
3 helped an elderly gentleman's car be towed who had had an  
4 accident there at the end of the camp meeting?

5 A. Yes.

6 Q. Do you recall Henry Lucas making additional  
7 preparations to leave up until June 4?

8 A. Yes.

9 Q. Do you recall seeing Henry Lucas every suppertime  
10 and breakfast time from the end of the camp meeting on  
11 May 19, of '83 until June 4th of 1983?

12 A. I believe he missed one breakfast for sure.

13 Q. Would that have been on the night of June 2nd when  
14 he left on trial run?

15 A. Yes.

16 Q. What time of the day did he leave on June 2nd?

17 A. Okay. Now, of the time I'm not positive because  
18 that I believe was a church night. And we had gone to  
19 church, and he left after we went to church, I believe.

20 Q. What time did you leave to go to church?

21 A. About 7:00 or 7:30.

22 Q. He would have left after that time?

23 A. I believe so.

24 Q. And when did he arrive back the next morning?

25 A. I believe I saw him around nine o'clock the next

1 morning.

2 Q So he would have left sometime seven or eight in  
3 the evening or later and come back at nine the very next  
4 morning on June 2nd to June 3rd; is that correct?

5 A Now, I can't say he came back at nine, but it was  
6 nine when I saw him. He possibly could have been at home  
7 before that.

8 Q And except for that one brief trip, was Henry Lucas  
9 gone from the House of Prayer at any time from the end of  
10 the camp meeting in May of '83 until June 4th of '83?

11 A I'll say he was there every day. Now, at night, I  
12 cannot say where he was. I do not know.

13 Q But your testimony would be that you would have  
14 seen Henry Lucas everyday from the end of -- May 19th until  
15 June 4th.

16 A Every day.

17 Q And that day would include May 27th, 1983.

18 A Every day.

19 Q And May 28, 1983.

20 A Right.

21 Q Do you remember when Henry Lucas left on June 4th  
22 on his trip?

23 A Yes.

24 Q And did you or your husband give Henry some money  
25 for his trip?

1 A. Rueben gave him money.

2 Q. And do you recall how much Rueben gave him?

3 A. I believe he said he gave him \$150. I'm not sure,  
4 now. I have his word.

5 Q. And then Henry left.

6 A. Right.

7 Q. Did you hear from Henry again after Henry left  
8 June 4th?

9 A. We heard from Henry on I believe the 7th of June.

10 Q. Was that from Deming, New Mexico, truck stop?

11 A. Uh-huh.

12 Q. And Henry was wanting some money?

13 A. Wanted money, he said he was out of money.

14 Q. And how much money did he ask for?

15 A. He asked for \$40.

16 Q. And how much money did Rueben send him?

17 A. \$50.

18 Q. And then you all heard from Henry again in San  
19 Jon, New Mexico?

20 A. The next afternoon about 4:30.

21 Q. And Henry called you?

22 A. Henry called us.

23 Q. And then after that you and your husband went to  
24 San Jon?

25 A. We did.

1 Q In San Jon did you all call Sheriff Conway?  
2 A Yes.  
3 Q And after that you brought Henry back to Montague,  
4 and Henry was arrested the next day on June 11.  
5 A We brought him back on the 9th, and he was arrested  
6 on the 11th. He had worked on Friday.  
7 Q The 10th?  
8 A Uh-huh.  
9 Q Do you recall Sheriff Conway being around the House  
10 of Prayer in the spring of 1983 to keep an eye on the  
11 whereabouts of Henry Lucas?  
12 A Yes, he was there. I don't know what date this  
13 was, but he took him to Dallas for some kind of a test.  
14 Q Some kind of polygraph test?  
15 A Uh-huh, and then he was there during the camp  
16 meeting. He came one time then.  
17 Q Were you aware that Henry was a suspect in the death  
18 of Kate Rich and Becky Powell?  
19 A Yes.  
20 Q That was common talk around the Stoneburg area,  
21 wasn't it?  
22 A Right.  
23 Q Did you ever have conversations to that effect with  
24 Sheriff Conway?  
25 A Our -- I only talked to Conway one time. It was

1 the day we went to pick Henry up.

2 Q And Conway told you to call as soon as Henry got  
3 back to town.

4 A He said if we heard from him to let him know.

5 Q And then you did call Conway from San Jon.

6 A Henry called him, and we all talked to him.

7 Q Are you absolutely certain that Henry Lucas  
8 remained in Montague County at the House of Prayer all through  
9 May of 1983 until June 4, 1983?

10 A In the daytime he was there.

11 Q You saw him every one of those days?

12 A Every day.

13 MR. PONTON: Pass the witness, Your Honor.

14

15 CROSS-EXAMINATION

16 BY MS. PENNOCK:

17 Q Mrs. Moore, I just have a few questions I'd like  
18 to ask you, and mainly about that shorthand tablet that you  
19 talked about where you found the note. I gather you found  
20 that when Mr. Burnham was there visiting with you; is that  
21 correct?

22 A Right.

23 Q And showed that to Mr. Burnham at the time.

24 A Mr. Burnham, yes.

25 Q Did you give him a copy of that or anything at the

1 time?

2 A. I believe he took it and made a copy. I think he  
3 did. If I'm not mistaken he did, but I still have it.

4 Q. When was that Mr. Burnham visited with you and  
5 made that copy?

6 A. It must have been a little over a month ago. I  
7 don't remember just how long it was before our camp meeting  
8 time, and it's possible that he did not take that. He took  
9 some other documents, and I'm not positive that he did take  
10 that. I think he did.

11 Q. So he may or may not have made a copy of it. You're  
12 not sure.

13 A. Right. He returned them all, and I cannot remember  
14 whether he took that one or not.

15 Q. But nonetheless he saw it.

16 A. Yes.

17 Q. Okay. And when did this particular camp meeting  
18 start?

19 A. Started 20th of September.

20 Q. So it would have been before September 20 that Mr.  
21 Burnham saw that.

22 A. Right.

23 Q. Okay. And no one asked you to bring that here with  
24 you today.

25 A. No.

1 Q Okay. Now, you say you found the note in the  
2 shorthand tablet. Was that note in your own handwriting?

3 A Yes. It had been scratched through, marked  
4 out like, but you could still read it.

5 Q As best as you can remember, what does that note  
6 say? And I know you may not remember word for word, but  
7 best you can remember what does that note say?

8 A You know, I can't remember just how it's worded,  
9 but it said to give Henry \$60 or to Henry \$60 or something.  
10 I just cannot remember just how it's worded.

11 Q Does it have a date associated with it?

12 A There's a date above it that says May 29.

13 Q What does it indicate that it's scratched out --  
14 what does that mean to you?

15 A Possibly I gave it to him and scratched it out so  
16 I knew that I had done it. I just imagine when I take care  
17 of everything I cross it out or scratch it out but leave  
18 it where it's readable.

19 Q That date of May 29th, do you think that that's  
20 when you made the note or when you gave the money, or do you  
21 have any idea?

22 A Well, I'm going to say if I dated it the 29th,  
23 that's when I had the money to give. And I would say that I  
24 gave it to him that day because if he was there I surely  
25 didn't keep it. I surely gave it to him.

1 I cannot even remember the incident.

2 Q That was going to be my next question. You don't  
3 remember getting the money or giving the money. All you know  
4 is that you have this note.

5 A I have the note.

6 Q Now, you testified that probably somebody left  
7 the money with you, but you don't remember that either. You're  
8 just speculating on what the note means.

9 A I'm just speculating that since I had \$60 to Henry,  
10 that somebody had left it with me. Possibly he wasn't there  
11 when they were, to give to him. It's not uncommon for us to  
12 keep for one another things if we weren't there at one time.

13 Q So you don't remember at all what that was for  
14 either.

15 A No.

16 Q Now, before Mr. Burrham visited with you, which  
17 would have been I guess about September of this year --

18 A Possibly around the 1st of September. I cannot  
19 remember exactly, but it hasn't been too long.

20 Q Had you ever shown that note to anyone before?

21 A No. I didn't even realize I had it.

22 MS. PENNOCK: No further questions.

23 MR. PONTON: That's all we have of this witness,  
24 Your Honor, at this time.

25



1 door. And I think it shook him up a little. He wouldn't  
2 even let them in, but it was very frightening.

3 Q Did you give them anything?

4 A I didn't give them anything, no.

5 Q Did you visit with them for any length of time?

6 A They talked to Rueben for quite a while, and I  
7 went on in the kitchen, and the window was right there close  
8 to them, and washed the dishes. And they kept talking and  
9 kept talking, and finally I went and asked them a question,  
10 you know, but I didn't visit with them at all. That's all.

11 Q You were more scared than anything?

12 A I was scared. I certainly was.

13 Q How many of them were there?

14 A I think about seven or eight.

15 Q Seven or eight?

16 A I believe there was.

17 Q Well, there was a full limousine, wasn't it?

18 A It was full, and they just piled out every door.

19 Q Did they have guns?

20 A One of them did.

21 Q Which had a gun?

22 A Okay. They had a guard with them, a tall, black  
23 man I believe, and he was armed. That was a little bit  
24 scary.

25 Q Well, I think we've all seen him.

1 MR. PONTON: Blue Thunder, that's his nickname.

2 A. I don't think I got introduced to any of them but  
3 J. J. Arms. Then there was the Herald Times -- Times Herald  
4 reporter. Is his name Ames?

5 MR. PONTON: Aynesworth.

6 A. Okay. He was with them. That's the only two I  
7 knew.

8 Q. (By The Court) What I was more interested in,  
9 of course, I appreciate your story, but the main thing I was  
10 interested in is finding out whether or not you or your  
11 husband turned anything over to them that they took with them  
12 that might be of benefit to us in this case. That's the  
13 reason I asked this question.

14 A. I don't remember giving them anything. I just  
15 can't remember it. If we did, I don't remember it.

16 Q. That's fine, and that's the reason I asked that  
17 really, but Ms. Pennock and Mr. Ponton and all of us would  
18 like to have anything that would be of benefit here.

19 A. Well, if I have anything, you're welcome to it, you  
20 know.

21 MR. PONTON: Please send to us a copy of your  
22 pad, your notepad that you testified to me and Ms. Pennock  
23 as soon as you get back.

24 THE COURT: What is that notepad?

25 THE WITNESS: Well, it was just where I put down a

1 telephone number, and at one time we had what you call a  
2 thrift store there. People donated things, and we sold it  
3 to help the church, and I just marked prices and things down  
4 in it like that.

5 THE COURT: Who is that man that went over there to  
6 see them, Mr. Ponton, your investigator?

7 MR. PONTON: Sir?

8 THE COURT: Who is your investigator down there?

9 MR. PONTON: Bill Burnham.

10 THE COURT: Where does he live?

11 MR. PONTON: He lives in Dallas, Your Honor.

12 THE COURT: How far are you from Dallas?

13 THE WITNESS: About 90 miles.

14 THE COURT: I was going to ask you if you would  
15 turn it over to Bill Burnham if he went and picked it up from  
16 you.

17 THE WITNESS: I sure will. Do you want the whole  
18 tablet?

19 THE COURT: That would really be nice, and I tell  
20 you what. If you would do that, and I could ever get my hands  
21 on it, I'll guarantee that you'll get it back. I'll give it  
22 to Bill if he comes down there.

23 MS. PENNOCK: Perhaps she could mail it to you  
24 certified mail, and then you'd have documentation of you  
25 signing for it and nobody being in between.

1 THE COURT: If we could do that, that would be fine.  
2 How much would certified mail cost? Would you do that?

3 MR. PONTON: Yes, sir. I'll make arrangements with  
4 her, Your Honor.

5 THE COURT: I'll tell you what you do. Give her  
6 \$5 bill or something out of your wages today, and get us  
7 one of my envelopes back here, one of my big envelopes and  
8 put a self-addressed envelope on it. You address it.

9 MR. PONTON: I will, Your Honor.

10 THE COURT: And give it to her, and let's -- or I  
11 want you to take your office -- or put some stamps, do  
12 something on it, and get it ready for certified mail so that  
13 all she'd have to do if she so desired would be put in in  
14 there, take it to the post office, and let her rip, and see  
15 if we'll get it.

16 MR. PONTON: Okay.

17 THE COURT: You know, there have been lots of  
18 things missing in this case, and let's see if we get this,  
19 okay?

20 MR. PONTON: I'll do that, Your Honor, this very  
21 moment.

22 THE COURT: Would you do that, Ms. Moore?

23 THE WITNESS: Yes, I will.

24 THE COURT: And you keep a record, now, of what you  
25 sent me because we're going to put my address on it, and then

1 when I get it, I'll call Ms. Pennock and Ms. Sipes and Mr.  
2 Ponton together before I open it.

3 THE WITNESS: Okay.

4 THE COURT: We're going to all open it together,  
5 and I'm going to let them look at that, and then we'll go  
6 from there. But that's still your notebook.

7 THE WITNESS: Okay.

8 THE COURT: Thank you.

9 MR. PONTON: One other matter I'd like to bring up,  
10 Your Honor. Tomorrow morning I'd like to call as my first  
11 witness Steve Simmons, and I saw him this morning at nine  
12 o'clock, and again today at one, so I'd like to request from  
13 Ms. Pennock if she could inquire to see if Mr. Simmons could  
14 be present to testify for the purposes of this hearing  
15 briefly at nine in the morning.

16 MS. PENNOCK: I see no reason why he can't. His  
17 capital murder case is over, and I will notify him this  
18 afternoon as soon as these hearings are over.

19 THE COURT: You all take care of that. You know,  
20 that's the first I've heard of any of that. You know, Mr.  
21 Ponton, don't be calling people, now, unless they can help  
22 us with this case. We're not here for the purpose of  
23 embarrassing anybody.

24 MR. PONTON: No embarrassment, Your Honor, just a  
25 few specific questions about a specific point of the case,

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nothing embarrassing, nothing political.

THE COURT: Well, I'm not here for that reason.  
I'm here just to hear about this, and if we could get to it,  
I'd appreciate it. You've given me a sore back.

(Hearing concluded for the day at 4:40 p.m.)